

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter which Applicant regards as the invention.

Claim 1 has been canceled. Claim 2 has been amended due to formal matters. Claims 5–6 and 11–13 have been amended to depend from claims 2–4.

Claim 2 is objected to because of informalities. Claim 2 has been amended to correct the informalities.

Claims 1, 5/1, 12/1, and 13/1 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. (U.S. Patent No. 6,658,027). Claims 2, 5/2, 6/1, 6/2, 7/6/1, 7/6/2, 8/7/6/1, 8/7/6/2, 9/8/7/6/1, 9/8/7/6/2, 10/9/8/7/6/1, 10/9/8/7/6/2, 12/2 and 13/2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer in view of Hatono et al. (U.S. Patent No. 5,914,936). Claim 1 has been canceled. Claims 5–6 and 11–13 have been amended to depend from claims 2–4. For at least the following reasons, the Examiner's rejection is respectfully traversed.

None of the references disclose or suggest “a continuation monitoring timer for judging as to whether a time period during which said comparison result of said packet number judging means exceeds the preset threshold value is continued over a predetermined threshold value, and for notifying a result that said time period is continued over said predetermined threshold value to data discarding means” as recited in claim 2. Hatono is cited as disclosing these elements in col. 10, lines 30–42, and col. 4, lines 3–16 (Office Action, 06/01/2005, page 4).

Hatono discloses setting a first threshold, a second threshold, and a permissible time for returning to the second threshold after exceeding the first threshold (col. 10, lines 30–42). In Hatono, a timer is activated to start counting when the queue lengths of cells in the buffer queue exceed the first threshold and is cleared to zero when the queue lengths become smaller than the second threshold (col. 4, lines 3–9). If the queue lengths do not become smaller than the Hatono second threshold within the permissible time, a time-out occurs and feedback control is performed (col. 4, lines 10–16).

Although the Hatono timer is started when the queue lengths exceed a first threshold, a time-out only occurs when the queue lengths do not become smaller than the *second threshold* within the permissible time. Since the time-out occurs only when the queue lengths do not become smaller than the *second threshold*, Hatono does not disclose or suggest a timer for judging whether the time when the queue lengths exceed the *first threshold value* is continued over the permissible time. Therefore, Hatono fails to disclose or suggest a timer for judging whether the time period when the comparison result of the packet judging means exceeds the threshold value is continued over a predetermined threshold value. Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

Claims 3, 4, 5/3, 5/4/3, 6/3, 6/4/3/, 7/6/3, 7/6/4/3, 8/7/6/3, 8/7/6/4/3, 9/8/7/6/3, 9/8/7/6/4/3, 10/9/8/7/6/3, 10/9/8/7/6/4/3, 11/1, 11/2, 11/3, 11/4/3, 12/3 and 13/3, and 13/4/3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer in view of Saito et al. (U.S. Patent No. 5,541,926). Claim 1 has been canceled. Claims 5–6 and 11–13 have been amended to depend from claims 2–4. For at least the following reasons the Examiner's rejection is respectfully traversed.

None of the reference disclose or suggest “comparing means for comparing said total packet number counted by said reception packet counter with a predetermined threshold value...at a time instant when a predetermined time period has elapsed after the communication has been commenced” as recited in claim 3. Hatono is cited as disclosing these elements in col. 10, lines 30–42, and col. 4, lines 3–16 (Office Action, 06/01/2005, page 9).

Hatono discloses setting a first threshold, a second threshold and a permissible time for returning to the second threshold after exceeding the first threshold (col. 10, lines 30–42). In Hatono, a timer is activated to start counting when the queue lengths of cells in the buffer queue exceed the first threshold and is cleared to zero when the queue lengths become smaller than the second threshold (col. 4, lines 3–9). If the queue lengths do not become smaller than the Hatono second threshold within the permissible time, a time-out occurs and feedback control is performed (col. 4, lines 10–16).

Hatono also judges the seriousness of the congestion by a length of elapsed time from the occurrence of the time-out (col. 4, line 10–16). In Hatono, the level of seriousness of congestion is lowered when the queue lengths become smaller than the second threshold (col. 14, lines 16–36).

Although the Hatono timer is started when the queue lengths exceed a first threshold, a serious congestion level and time-out only occur when the queue lengths do not become smaller than the second threshold within the permissible time. Since the Hatono serious congestion level is also only lowered when the queue lengths become smaller than the second threshold, Hatono fails to disclose or suggest that the total number of queue lengths is compared with a threshold at a time instant when a predetermined time period has elapsed. Thus, Hatono does not disclose or suggest comparing means for comparing the total packet number with a predetermined

threshold value which is acquired at a time instant when a predetermine timer period has elapsed.
Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33871.

Respectfully submitted,
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